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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,652	09/08/2003	Robin G. Skinner	TEC1253	2832
832	7590	05/18/2005	EXAMINER	
BAKER & DANIELS LLP 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802			TRIEU, THERESA	
		ART UNIT		PAPER NUMBER
				3748

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/657,652	SKINNER ET AL.	
	Examiner Theresa Trieu	Art Unit 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 October 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 18-22 is/are allowed.

6) Claim(s) 1-5,13-15,17,23-25 and 27-31 is/are rejected.

7) Claim(s) 6-12,16 and 26 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *Aug. 31, 2004*.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. *_____*.
5) Notice of Informal Patent Application (PTO-152)
6) Other: *_____*.

DETAILED ACTION

This Office Action is responsive to the applicants' amendment filed on October 4, 2004.

The amendments and arguments presented by the applicant have been duly noted; however, a new non-final Office Action is set forth below. The previous indication of allowability of claims 17, 27 and 31 is hereby withdrawn. An updated search and further review of the prior art of record has prompted the new rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 13-15, 17, 23-25, 27 and 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Kimata et al. (Kimata) (Publication Number JP 2000-345978) or Hayashi et al. (Hayashi) (Publication Number JP 06-010859).

Regarding claims 1, 13, 23, and 28, Kimata (as shown in Fig. 1) or Hayashi (as shown in Figs. 1 and 2) discloses a compressor assembly for compressing a gas, the compressor assembly comprising: a housing (2 in Kimata; 1 in Hayashi) having a first inlet (7 in Kimata; 13 in Hayashi); a motor (5 in Kimata; 5 in Hayashi) disposed within the housing; a crankcase (3 in Kimata; 11 in Hayashi) disposed within the housing and secured relative to the motor; a compressor mechanism (9, 11 in Kimata; 2, 3 in Hayashi) operably coupled to the motor (5 in Kimata; 5 in Hayashi) and defining a working space wherein gas is compressed within the working space, gas entering the working space through a second inlet (31 in Kimata; 6 in

Hayashi), and a baffle member (30 in Kimata; 82 in Hayashi) secured to the crankcase and extending from proximate the first inlet (7 in Kimata; 13 in Hayashi) to proximate the second inlet (31 in Kimata; 6 in Hayashi), the baffle member positioned to be impactable by gas entering the housing through the first inlet (4 in Kimata; 13 in Hayashi), the baffle member directing gas entering the housing (2 in Kimata; 1 in Hayashi) in a flow path from the first inlet to the second inlet (31 in Kimata; 6 in Hayashi), the baffle surface defining a baffle opening (not numbered; however, clearly seen in Fig. 1b in Kimata; 83 in Hayashi), the baffle opening positioned between the first inlet and the second inlet, the baffle opening having a length and a width, the length being substantially greater than the width, the length extending in a direction substantially transverse to the flow path whereby fluid collected on the baffle member is separable from gas (see abstract) entering the second inlet by passage (31 in Kimata; 6 in Hayashi) through the baffle opening (see Fig. 1b in Kimata; 83 in Hayashi).

Regarding claims 2-5, 14, 15, 17, 24, 25, 27 and 29-31, Kimata or Hayashi further discloses a sheet-like baffle member (30 in Kimata; 82 in Hayashi) secured within the housing (2 in Kimata; 1 in Hayashi), the baffle member (30 in Kimata; 82 in Hayashi) having a first major surface defining the baffle surface; the baffle surface being positioned to define a passageway (31 in Kimata; not numbered ;however, clearly seen in Fig. 2 in Hayashi) between an interior surface of the housing (2 in Kimata; 1 in Hayashi) and the baffle surface; the housing (2 in Kimata; 1 in Hayashi) including a substantially cylindrical portion, the first inlet (7 in Kimata; 13 in Hayashi) being disposed in the substantially cylindrical portion, the first inlet (7 in Kimata; 13 in Hayashi) being disposed in the substantially cylindrical portion, and the baffle surface includes a generally arcuate surface; the motor including a rotatable horizontally shaft (51 in Hayashi)

coupled to the compressor mechanism; the first inlet (7 in Kimata; 13 in Hayashi) being positioned at a lower vertical position than the second inlet (31 in Kimata; 6 in Hayashi).

Allowable Subject Matter

2. Claims 6-12, 16 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claims 18-22 are allowed.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT


Theresa Trieu
Primary Examiner
Art Unit 3748